

## **Environmental Stakeholders Presentation**

### **January 17, 2002**

Origin of Assurances Provisions is Pettigrew Commission Consensus Recommendation ". . . [A]ssurances are needed that, once restored, South Florida's natural environment will not again be negatively impacted by water management activities."

#### **Overarching Concerns**

- Circumvents concurrence and consultations framework in WRDA. Strips concurrence role of the Department of Interior.
- Defers all assurances to protocols and other documents, outside the force of the regulations. Assurances become subject to broad bureaucratic discretion.
- Categorical exclusion of potentially critical decision points from the NEPA process.
- Adaptive assessment is poorly defined, adaptive management is not included at all, resulting in no real assurance of science-driven implementation.
- RECOVER structure, leadership, and participating entities are not adequately addressed.
- No measurable restoration standards (e.g., restoration targets, interim goals, and performance measures).
- Elevates purposes of providing new water supply and increased flood protection to guarantee inconsistent with WRDA 2000 (Savings Clause).

#### **Some Initial Suggestions**

1. Incorporate protocols into the regulations, maintaining the concurrence and consultation framework of WRDA.
2. Strengthen language for adaptive implementation.
3. Formalize structure of RECOVER as science-lead entity.
4. Formalize process for moving from science recommendation to policy decision.
5. Include interim restoration performance goals and timelines/deadlines in the regulations. Process goals should not be included under "measures of restoration success" for the "natural system" (i.e., interim goals).
6. Ensure flood protection definition in savings clause is limited to existing development within limits of existing law.
7. Strengthen savings clause language for natural system, including incorporation of flood protection for natural system.